

REMARKS/ARGUMENTS

Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 2, 4-6, 8-12, 14-16 and 18-20 remain in this application. Claims 3, 7, 13 and 17 were previously canceled. No claim is amended.

It appears from the present Office Action that applicants' prior amendments and arguments filed March 12, 2009 concerning the brazing alloy were not considered as such arguments were not addressed in the recent Office Action. (Please note that the Amendment filed March 12, 2009 with the RCE is not the same Amendment after Final filed February 12, 2009. The Response to Arguments in the present Office Action simply repeats what was in the Advisory Action.) That the arguments were not considered is evident because the limitation to the brazing alloy in amended claim 1 was not addressed and specific rejections were made over canceled claims 3 and 13. It is respectfully requested that the prior amendments to claim 1 (as well as claims 6 and 11) be considered and the cancellation of claims be acknowledged. A further Office Action should not be made final as no claim amendments are present in this response and applicant did not obtain full consideration of the previously filed response.

Claims 1-4, 6, 11-14 and 17 stand rejected under 35 USC 102(b) as anticipated by Ueda (JP 2000-303132) in view of admitted prior art.

The present invention is directed to an aluminum alloy component for the assembly of parts by fluxless brazing. Ueda, on the other hand, is directed to vacuum brazing which requires different considerations than fluxless brazing. Ueda is particularly directed to improving the erosion resistance by laminating a brazing filler metal 2 onto one or both sides of a core material 1.

As presented in the response filed March 12, 2009, claims 1, 6, and 11 recite wherein the brazing alloy contains at least one element for modifying the surface tension of the alloy, the element selected from the group consisting of Ag, Be, Bi, Ce, La, Pb, Pd, Sb, and mischmetal.

In reference to canceled claims 3 and 13, the present Office Action (as repeated from the Office Action dated December 12, 2008) considers that Ueda teaches that the brazing

alloy may contain an element such as Be. This position is respectfully in error. Ueda discloses the use of Be in the core material 1 and brazing under vacuum and not under controlled atmosphere. Ueda does not teach or suggest the use of Be in the brazing alloy (filler).

Ueda discloses on page 2 of 9 of the specification that the brazing filler contains Si or Ge. On page 3 of 9, lines 3-5, Ueda notes that any *other elements present cannot confer any new effect* on the invention. In fact, the only additional element recited that may be present in the brazing filler is Mg. See page 6 of 9, line 4, wherein Ueda discloses that “the wax material which consists of Mg alloys aluminum-10% Si-1.2% to both sides...”

Although page 3 of 9, paragraph 11 discloses that Be in the core “combines with Si or Ge which has *invaded into* a core material from wax material and an erosion control element fixes these elements as Si compound...”, there is no teaching of Be in the brazing filler.

There is no teaching or suggestion of using Be or any element selected from the group consisting of Ag, Be, Bi, Ce, La, Pb, Pd, Sb, and mischmetal in a brazing alloy as claimed. Thus Ueda cannot anticipate claim 1. Ueda further cannot anticipate claim 6 and amended claim 11 for the same reasons. Withdrawal of this rejection is requested.

Claims 5, 8-10, and 15-16 stand rejected under 35 USC 103(a) as unpatentable over Ueda in view of admitted prior art.

Ueda does not teach or suggest independent claims 1, 6, and 11 for the reasons discussed above. One skilled in the art would not have modified Ueda in view of the admitted prior art to utilize Ag, Be, Bi, Ce, La, Pb, Pd, Sb, or mischmetal in the brazing filler. The admitted prior art does not remedy the defects of claim 1, 6, and 11. Withdrawal of this rejection is requested.

Claims 18-20 stand rejected under 35 USC 103(a) as unpatentable over Ueda in view of admitted prior art and Baba et al. (JP 58-040495).

Ueda does not teach or suggest independent claims 1, 6, and 11 for the reasons discussed above. One skilled in the art would not have modified Ueda in view of the admitted prior art to utilize Ag, Be, Bi, Ce, La, Pb, Pd, Sb, or mischmetal in the brazing filler. The admitted prior art does not remedy the defects of claim 1, 6, and 11.

Baba is relied on for the disclosure of bismuth. However, even if one skilled in the art

added bismuth to the composition of Ueda, Ueda still lacks an element selected from Ag, Be, Bi, Ce, La, Pb, Pd, Sb, or mischmetal in the brazing filler. Hence Ueda in view of Baba does not teach or suggest the instant claims. Withdrawal of this rejection is requested.

CONCLUSION

If any further fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

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